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RL:0358

HB 417, HD 2 RELATING TO PLASTIC BOTTLES

Statement for
House Committee on
Ecology and Environmental Protection
Public Hearing, 19 March 1979

By
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HB 417, HD 2 would amend HRS subsection 339-7(b) so as to limit the present ban on plastic containers. This statement on the bill does not reflect an institutional position of the University.

HB 417, HD 2, like the original version of HB 417 would exempt plastic beverage containers of 32 oz. or larger size from the present ban. The rationale presented that the larger size containers, those intended for home use, do not contribute significantly to the litter problem. In an Environmental Center statement (RL:0330) on the bill, we indicated that the rationale for the exemption was valid.

HB 417, HD 1 would, in addition, have exempted containers of fruit juice from the ban, regardless of size. As we noted in an Environmental Center statement (RL:0355) on that version of the bill, it was brought out in a hearing on HB 417 "that the small containers of fruit juice were used primarily in restaurants and luaus, and with such uses there is little likelihood that the containers would be discarded promiscuously so as to contribute to the litter problem." This additional exemption was, however, omitted from HD 2 by the House Committee on Consumer Protection and Commerce (Stand. Comm. Rept. 603) "to avoid any equal protection questions regarding the constitutionality of the bill," considering that the "exemption created expressly for fruit juice containers... would create an essentially arbitrary classification."

We suggest that exemption of a restricted class of small containers including the fruit juice containers, would not be arbitrary if the restriction were based primarily on the loci of sale and use of the containers rather than their contents. We suggested (in Environmental Center statement (RL:0355) that the ban on the use of plastic containers of small size for fruit juices should be continued with respect to sales in grocery stores and "fast-food" establishments, "on the grounds that the containers of beverages sold in these institutions may contribute to the litter problem."

On the basis of this suggestion, your committee might consider adding, at the end of HRS 339-7(b) as it would be amended by HB 417, HD 2, something like the following: "...except fruit juices sold wholesale for consumption in restaurants and at luaus providing for proper disposal of the containers."